IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 303 OF 2006

Mrs.Maya Biswas w/o Ganesh Chandra Biswas. ... Appellant.

V/s.

Municipal Corporation of Gr.Mumbai and another. ... Respondents.

Dinesh Chamboowala for the appellant.

J.J.Xavier for respondent No.1.

M.U.Pandey for respondent No.2.

CORAM: D.B.BHOSALE, J.

DATED: 6th December 2006.

P.C. :

. Heard learned counsel for the parties.

2. The learned counsel for the appellant, on instructions from his client, seeks liberty to withdraw the appeal unconditionally. He submits that some reasonable time may be granted to the appellant to apply for regularisation of the disputed structure. The appellants have filed affidavit seeking such liberty and permission to apply for regularisation of the disputed structure. The affidavit is taken on record and marked 'X' for identification. Considering the overall facts and circumstances of the case and

the affidavit filed by the appellant, I am satisfied that the following order shall meet the ends of justice:

ORDER

(a) The appeal stands dismissed as withdrawn with liberty as prayed for. No order as to costs.

(b) If the appellant makes an application for regularisation to the competent authority/ respondent No.1, within a period of eight weeks from today, the same shall be decided within a period of eight weeks therefrom. The decision on the application shall be communicated to the appellant at the address mentioned in the cause title within one week from the date of decision.

(c) If the application for regularisation, as aforestated, is made within a period of eight weeks for a period of 24 weeks from today, the disputed structure shall not be demolished by the respondent- Corporation. However, if the application is not made within the stipulated time, the respondent-Corporation will be free to take action of demolition.

(d) The appellant shall furnish a copy of her application seeking regularisation to respondent No.2 within one week from the date of filing such application. The respondent No.2 will have a liberty to seek audience before the competent authority. It will also be open for respondent No.2 to file written objections, if any, within a period of two weeks from the date of receipt of the application.

4. In the circumstances, appeal stands disposed of as withdrawn in the aforesaid terms.

(**D.B.BHOSALE, J.**)